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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,545	08/01/2003	Michael F. Brletich	12539	2681

7590 12/17/2004

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EXAMINER

GARCIA, ERNESTO

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/632,545

Applicant(s)

BRLETICH ET AL.

Examiner

Ernesto Garcia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Obitts, 6,079,894.

Regarding claim 1, Obitts discloses, in Figure 8, a device comprising a fastener plug **240** including a plug portion **243** and a fastener portion **241**. The plug portion **243** defines an end cap **255** and at least one disc **247** spaced apart from the end cap **255**. The fastener portion **241** defines an extension member **242** extending outwardly from the end cap **255**. The extension member **242** includes a projecting member **246**.

Regarding claim 2, the end cap **255** defines a peripheral edge **255** and a flat surface edge **A9** along the peripheral edge **255** (see marked-up attachment).

Regarding claim 5, the extension member **242** extends upwardly from the end cap **255**.

Regarding claim 17, Obitts discloses, in Fig. 8 (see marked-up attachment), a device comprising a plug **240** including an end cap **255** and an extension member **242** extending outwardly from the end cap **255**. The extension member **242** has a fixed end **A11** connected to the end cap **255** and a free end **A12** opposite the fixed end **A11**. The free end **A12** includes an aperture engaging member **246**.

Regarding claim 19, the end cap **255** defines a flat surface edge **A9**.

Claims 17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rabinovitz, 5,992,953 (see marked-up attachment).

Regarding claim 17, Rabinovitz discloses, in Fig. 1, a device comprising a plug **220** including an end cap **226** and an extension member **A6** extending outwardly from the end cap **226**. The extension member **A6** has a fixed end **A11** connected to the end cap **226** and a free end **A12** opposite the fixed end **A11**. The free end **A12** includes an aperture engaging member **222**.

Regarding claim 19, the end cap **226** defines a flat surface edge **A9**.

Regarding claim 20, the aperture engaging member **222** defines an inclined surface **A14**.

Claims 1, 4, 6, 7, 9, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Baack, 5,934,729.

Regarding claim 1, Baack discloses, in Fig. 1, a device comprising a fastener plug **18** including a plug portion **A2** and a fastener portion **A3**. The plug portion **A2** defines an end cap **A4** and at least one disc **30** spaced apart from the end cap **A4**. The fastener portion **A3** defines an extension member **A6** extending outwardly from the end cap **A4**. The extension member **A6** includes a projecting member **26**.

Regarding claim 4, the disc **30** is a plurality of discs **30** spaced apart from the end cap **A4**.

Regarding claim 6, the extension member **A6** extends across the discs **30**.

Regarding claim 7, the discs **30** define a flat surface edge **30a** (see Fig. 5).

Regarding claim 9, Baack discloses, in Fig. 1, a device comprising a fastener plug **18** including an end cap **A4** and at least one disc **30** spaced apart and connected to the end cap **A4**. The fastener plug **18** includes an extension member **A6** extending outwardly from the end cap **A4** and across the disc **30**. The extension member **A6** has

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a fixed end **A11** connected to the end cap **A4** and a free end **A12** opposite the fixed end **A11**. The fixed end **A11** includes an aperture engaging member **26**.

Regarding claim 17, Rabinovitz discloses, in Fig. 1, a device comprising a plug **18** including an end cap **A4** and an extension member **A6** extending outwardly from the end cap **A4**. The extension member **A6** has a fixed end **A11** connected to the end cap **A4** and a free end **A12** opposite the fixed end **A11**. The free end **A12** includes an aperture engaging member **26**.

Regarding claim 18, the plug **18** includes at least one disc **30** spaced apart and connected to the end cap **A4**.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baack, 5,934,729, in view of Saunders, 3,483,787.

Regarding claim 3, Baack, as discussed above, fails to disclose a rib connecting the disc **30** to the end cap **A4**. Saunders teaches, in Figure 1, a rib 40 connecting at least one disc **20a** to an end cap **54** to act as a reinforcing rib (col. 3, lines 40-45). Therefore, as taught by Saunders, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the rib connecting the disc **30** to the end cap **A4** to reinforce the disc **30**.

Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baack, 5,934,729, in view of Qiao, 6,305,892.

Regarding claim 10, the end cap **A4** defines a peripheral edge **A8**. However, Baack fails to disclose the end cap **A4** defining a flat surface edge along the peripheral edge **A8**. Qiao teaches, in Figure 4, an end cap **44** defining a flat surface edge along a peripheral edge as part of a design choice of the end cap. Therefore, as taught by Qiao, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include flat surface edge along the peripheral edge **A8** to make the end cap square as part of a design choice.

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baack, 5,934,729, in view of Qiao, 6,305,892. as applied to claim 10 above, and further in view of Saunders, 3,483,787.

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Regarding claim 11, Baack, as modified above, fails to disclose a rib connecting the disc **30** to the end cap **A4**. Saunders teaches, in Figure 1, a rib 40 connecting at least one disc **20a** to an end cap **54** to act as a reinforcing rib (col. 3, lines 40-45). Therefore, as taught by Saunders, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the rib connecting the disc **30** to the end cap **A4** to reinforce the disc **30**.

Regarding claim 12, the disc **30** is a plurality of discs spaced apart from the end cap **A4**.

Regarding claim 13, the extension member **A6** extends upwardly from the end cap **A4**.

Regarding claim 14, the extension member **A6** extends across the discs **30**

### ***Allowable Subject Matter***

Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 15, the prior art of record does not disclose or suggest a device comprising an extension member extending across a flat surface edge of a plurality of discs; and,

regarding claim 16, the prior art of record does not disclose or suggest a device comprising an aperture engaging member defining opposing columns joined together by a rib.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frano, 4,604,014, shows a similar device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 703-308-8606. The examiner can normally be reached from 9:30-6:00. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. Any inquiry of a

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general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



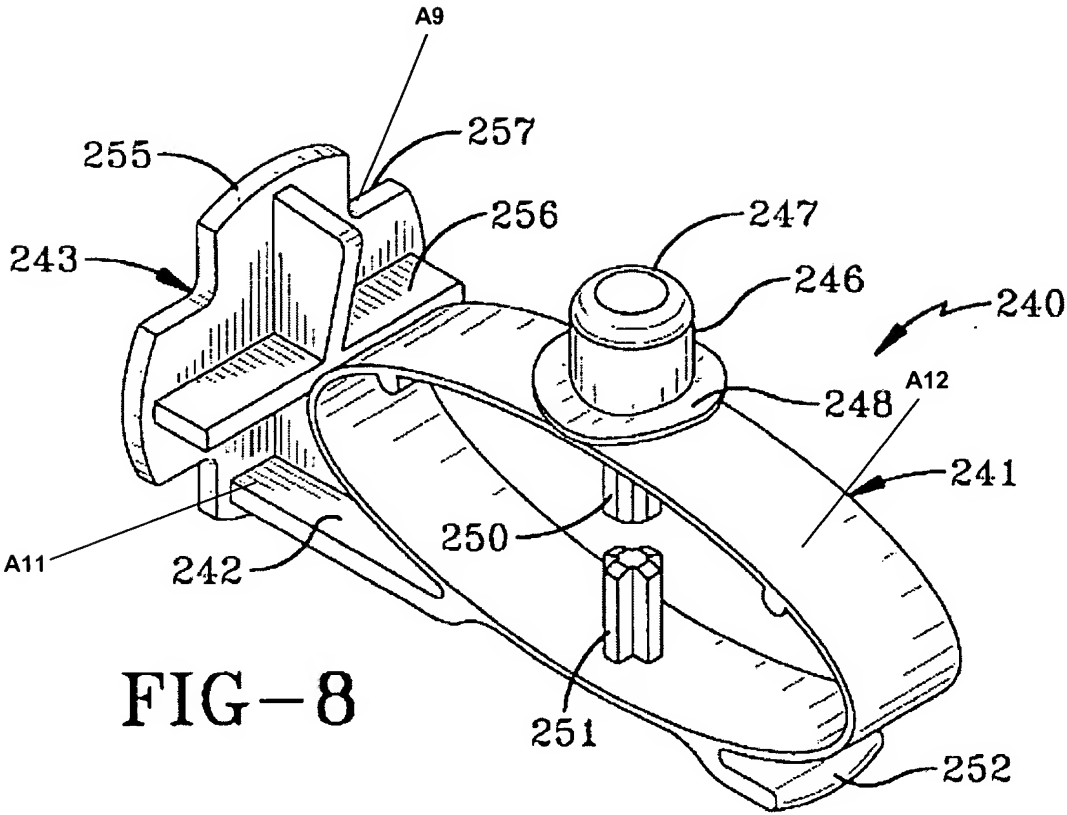
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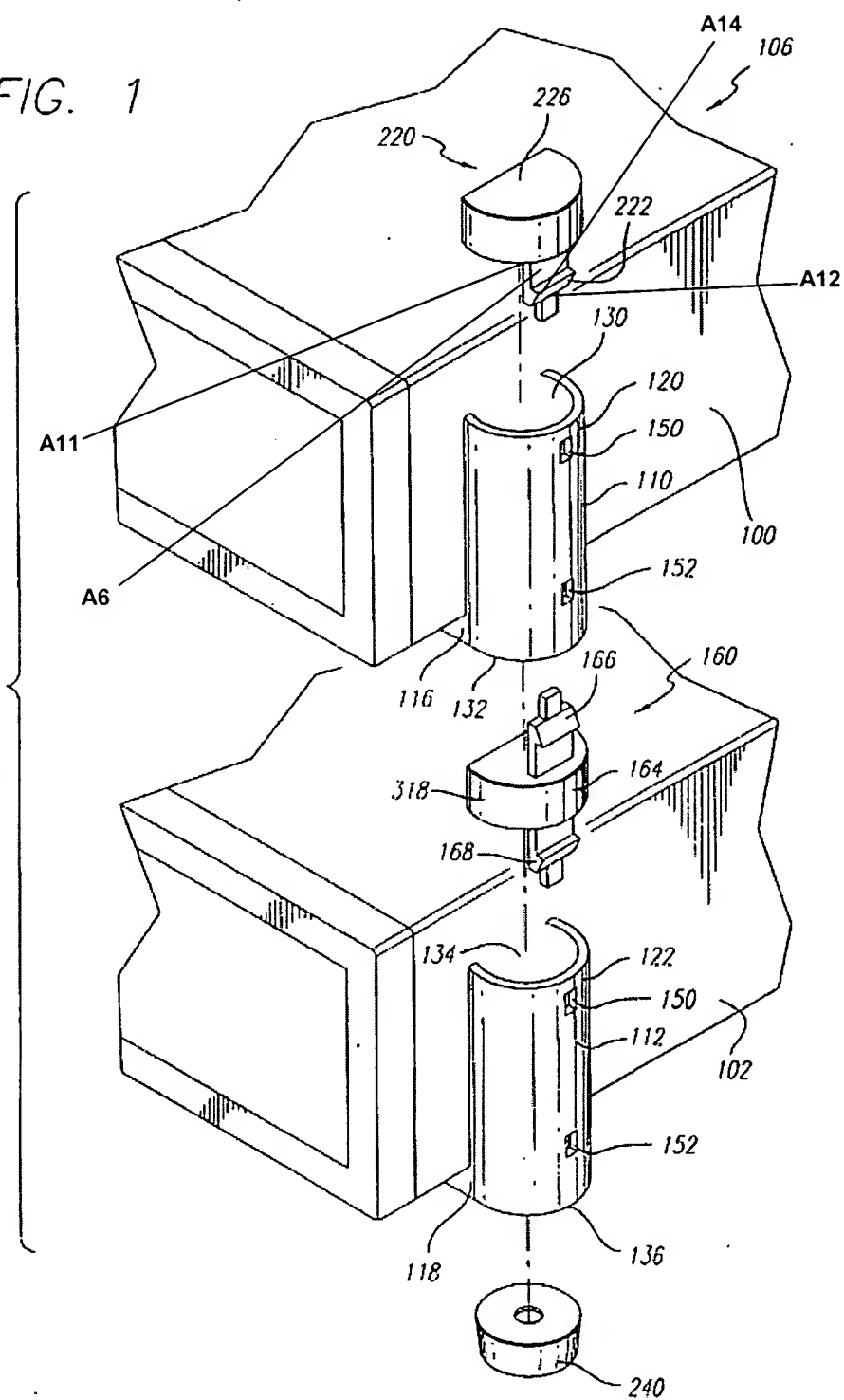
December 13, 2004

DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Attachments: one marked-up copy of Obitts, 6,079,894;  
one marked-up copy of Rabinovitz, 5,992,953; and,  
one marked-up copy of Baack, 5,934,729.

(Obitts) 6,079,894





(Baack) 5,934,729

